

**Program Summary
State Department of Corrections
DUI Fines, Surcharges and Assessments**

Program Overview

Driving Under the Influence (DUI) fines and assessments are levied against all individuals convicted of operating motorized vehicles (automobiles, watercraft and aircraft) under the influence of alcohol. These fines and assessments range in severity, depending on the number of prior convictions and level of intoxication, with additional convictions and higher blood-alcohol concentrations (BAC) leading to larger monetary penalties.

A first-time conviction for regular DUI, in which the offender's BAC is at least 0.08% but less than 0.15%, brings an initial fine of \$250. A second will result in a \$500 initial fine.

A third offense can result in a conviction of "aggravated" DUI and will result in a \$750 fine.

A third category of DUI, called "extreme DUI," occurs when an individual is convicted with a BAC of 0.15% or higher. This will result in a \$250 fine for first convictions and a \$500 fine for second convictions.

First and second convictions for DUI are misdemeanors, which mean that these cases are handled within local Justice or Municipal Courts. Third DUI convictions are felonies, which means that the case may be tried in Superior Court.

Program Funding

Monetary penalties for DUI conviction start with a base fine of \$250 to \$750 and increase with additional assessments of up to \$1,500, with the amount varying by the type of charge on which the offender is convicted, the offender's past conviction history and the level of intoxication.

Monies collected through these penalties consist of a base fine, surcharges, and up to 3 additional assessments. Base fines are retained by the city or county in the court's jurisdiction and are not transferred to the state. In addition to the base fines, surcharges that equal 80% of the base fine are levied for each DUI conviction. A \$5 probation surcharge is also added. These surcharges are disbursed by the State Treasurer to various funds as outlined in *Table 1*.

The additional assessments also are sent to the state and are deposited into one of 3 funds: the General Fund, the DUI Abatement Fund, and the Prison Construction and Operations Fund (PCOF). The DUI Abatement Fund, created in 1998 (Laws 1998, Chapter 302) and administered by the Oversight Council on DUI Abatement, provides grants to cities, counties and tribal governments to conduct enforcement, judicial, treatment, and educational activities designed to deter drinking and driving. Monies in PCOF, established in 2003 (Laws 2003, Chapter 5) and administered by the Arizona Department of Corrections (ADC), are to be used to cover costs related to prison overcrowding, as well as departmental support and maintenance.

An extra assessment of \$250 is also levied on first and second convictions for extreme DUI and aggravated DUI when the offender is operating an automobile. *Table 2* gives a comprehensive overview of the various monetary penalties for DUI.

Base fines, however, remain with the county and totals were unavailable. However, Department of Revenue figures showed that in FY 2005, \$5,041,425 was deposited into the Prison Construction and Operations Fund, and \$802,847 was deposited in the DUI Abatement Fund. *Table 3* lists these totals.

Table 1

**Court Surcharges
Sample Distribution of a \$250 DUI Fine**

<u>Base Fine and Surcharges</u>	<u>Surcharge</u>	<u>Amount</u>
Base fine (retained by County/City)	NA	\$250.00
Criminal Justice Enhancement Fund (CJEF)	47%	\$117.50
Medical Services Enhancement Fund (MSEF)	13%	\$32.50
Clean Elections Fund (CEF)	10%	\$25.00
Fill the Gap (FTG)	7%	\$17.50
Deoxyribonucleic Acid Identification Fund (DNA)	3%	\$7.50
Probation Surcharge	\$5	\$5.00

Table 2**DUI Fines and Assessments**

<u>Offense</u>	<u>Base Fine</u>	<u>Surcharges (80% Base)</u>	<u>PCOF</u>	<u>General Fund</u>	<u>DUI Abatement Fund</u>	<u>Total</u>
DUI (.08%)						
1 st conviction	\$250	\$200	\$500	\$500		\$1,450
2 nd conviction	\$500	\$400	\$1,250	\$1,250		\$3,400
Aggravated DUI						
3 rd conviction	\$750	\$600	\$1,500	\$1,500		\$4,350
(automobile)	\$750	\$600	\$1,500	\$1,500	\$250	\$4,600
Extreme DUI (.15%)						
1 st conviction	\$250	\$200	\$1,000	\$1,000		\$2,450
(automobile)	\$250	\$200	\$1,000	\$1,000	\$250	\$2,700
2 nd conviction	\$500	\$400	\$1,250	\$1,250		\$3,400
(automobile)	\$500	\$400	\$1,250	\$1,250	\$250	\$3,650

Monies for the additional General Fund assessment are not included because this deposit began in FY 2006.

Table 3**Fund Totals FY 2005**

<u>Fund</u>	<u>Total</u>
Prison Construction and Operations	\$5,041,425
DUI Abatement	\$ 802,847

Recent Programmatic Changes

Laws 2003, Chapter 5 updated the DUI statutes, creating and establishing a source of revenue for the Prison Construction and Operations Fund. Laws 2005, Chapter 307, further increased DUI penalties and deposited these additional assessments in the General Fund. These latest changes also included an appropriation of \$6,897,000 for the Department of Public Safety (DPS) for safety equipment and the Gang Intelligence Team Enforcement Mission. Chapter 307 includes intent language stating that the latest DUI assessments would offset the costs of the DPS appropriation.

Performance Measures

Few existing performance measures could be found for DUI assessments, but a measure that may be useful is the collection rate of DUI fines and assessments, or how successful the courts have been

in collecting these monies. The Administrative Office of the Courts (AOC) measures collection rates as a percentage of total fines issued. As of FY 2005, courts had collected 68.5% of total fines levied. The time period during which this collection took place, however, was unavailable. This measure may allow us to determine what impact additional assessments may have on collection rates.

AOC also measures recidivism, to a degree. Of those arrested for DUI in 2 counties – Cochise and Gila – 1% had another DUI charge pending in court. This statistic is limited, however, by the fact that only 2 counties were surveyed. No statewide data were available.

AOC is also conducting studies regarding the speed at which DUI cases are processed through local court systems, but no data is currently available.

Another performance measure that might prove useful is the number of DUI arrests in Arizona as compared to other states. According to the Sourcebook of Criminal Justice Statistics, in FY 2002 Arizona had recorded 7.61 DUI arrests per 1,000 people – a figure that placed Arizona second in the nation, behind Wyoming with 8.75 DUI arrests per 1,000. *Table 4* provides existing and potential performance measures.

Table 4**Performance Measures**

<u>Performance Measure</u>	<u>FY 2004 Actual</u>	<u>FY 2006 Estimate</u>
Collection rate (all fines – not DUI-specific)	68.5%	NA
Percent of DUI arrestees with DUI charges pending	1%	NA
Number DUI arrests per 1,000	7.61 (FY 2002)	NA
Arizona rank for DUI arrests per capita	2 nd	NA